

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

October 19, 1992

MEMORANDUM

SUBJECT: Loss of Interim Status (LOIS) for Storage and Treatment  
Facilities

FROM: Sylvia K. Lowrance, Director  
Office of Solid Waste

Bruce M. Diamond, Director  
Office of Waste Programs Enforcement

TO: Waste Management Division Directors  
Regions I - X

Section 3005(c) (2) of RCRA provides that treatment and storage facilities and/or units that were in interim status on November 8, 1984, lose their interim status on November 8, 1992, unless they submitted their Part B permit applications on or before November 8, 1988. This memo is sent as a reminder that the statutory deadline is approaching and to reiterate some of the implications of the 1992 LOIS deadline.

These deadlines only apply to facilities and units that were in interim status on November 8, 1984. Accordingly, a unit handling temporarily excluded (delisted) waste on November 8, 1984, or a unit added to an interim status facility after that date through a change in interim status, is not subject to the 1983 application deadline. Similarly, facilities that gained interim status after November 8, 1984 are not subject to the 1992 LOIS provisions. Also note that storage and treatment facilities that submitted their Part B applications in a timely manner in 1988 will continue in interim status until a final permit determination takes effect, even if such date is after November 8, 1992.

Many Regions sent letters to facilities in 1988 reminding them of the deadlines and the need to submit a Part B application if they intended to operate past November 3, 1992. In situations where a closure plan has not been submitted from a facility that is due to lose interim status on November 8, we recommend that the Region or state contact the facility to remind it that it will lose interim status on November 8, and that it should operate accordingly to avoid becoming subject to an enforcement action for operating as an illegal storage or treatment facility.

Thank you for your cooperation in ensuring compliance with this important deadline. We recognize that there may be issues that arise as we implement this LOIS provision,

especially where facilities wish to convert to generator status and continue storing waste on site. If you believe guidance on any specific issues would be helpful, please let us know. If you have any questions, please call Frank McAlister at (202) 260-2223 or Debbie Villari at (202) 260-2207.

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